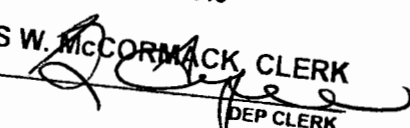


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INSTRUCTION NO. ____

You may find that the plaintiff's race was a determining factor in the defendant's decision if it has been proved that the defendant's stated reasons for its decision are not the real reason, but are a pretext to hide race discrimination.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
MAY 13 2015
JAMES W. MCCORMACK, CLERK
By:  DEP CLERK

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4:13cv476

INSTRUCTION NO. ____


Your verdict must be for the plaintiff and against defendant on the plaintiff's race discrimination claim if all the following elements have been proved:

First, the defendant did not promote the plaintiff; and

Second, the plaintiff's race was a determining factor in the defendant's decision.

Your verdict must be for the defendant if any of the above elements has not been proved.

"Race was a determining factor" only if the defendant's decision to not promote the plaintiff was because of the plaintiff's race; it does not require that race was the only reason for the decision made by the defendant. You may find race was a determining factor if it has been proved that the defendant's stated reasons for its decision are not the real reasons, but are a pretext to hide race discrimination.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
MAY 13 2015
JAMES W. MCCORMACK, CLERK
By:  DEP. CLERK

Do #B